

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

DANIEL TAYLOR, and  
DIANE TAYLOR

Plaintiffs,

Case No. 08-cv-13258

v.

HONORABLE STEPHEN J. MURPHY, III

COUNTRYWIDE HOME LOANS,  
AMERICA'S WHOLESALE LENDER,  
and RANDALL S. MILLER AND  
ASSOCIATES, PC  
PATRICIA L. CARUSO, et al.,

Defendants.

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**ORDER ADOPTING MAGISTRATE JUDGE'S REPORT  
AND RECOMMENDATION (docket no. 156), GRANTING DEFENDANTS'  
MOTIONS (docket nos. 98, 107 & 108), AND DISMISSING COMPLAINT**

This matter comes before the Court on the Report and Recommendation ("R & R") of Magistrate Judge Michael Hluchaniuk. Judge Hluchaniuk recommends that the Court grant Defendant Randall S. Miller and Associates' motion to dismiss count one of the complaint (docket no. 98) and motion for summary judgment (docket no. 107), grant Defendants Countrywide Home Loans and America's Wholesale Lender's motion for summary judgment (docket no. 108), and dismiss, with prejudice, Plaintiffs' third amended complaint.

A District Court's standard of review for a magistrate judge's R & R depends upon whether a party filed objections to the R & R. With respect to portions of an R & R that no party has object to, the Court need not undertake any review at all. *Thomas v. Arn*, 474 U.S. 140, 149-50 (1985). Further, a failure to file specific objections constitutes a waiver of any further right of appeal from the district judge's adoption of the R & R. See *Howard v. Sec'y of Health and Human Servs.*, 932 F.2d 505, 509 (6th Cir. 1991); *United States v.*

*Walters*, 638 F.2d 947, 950 (6th Cir. 1981)

The last page of the magistrate judge's R & R notified the parties that any objections were to be filed within fourteen (14) days of service of a copy of the R & R, as provided for in 28 U.S.C. § 636(b)(1) and E.D. Mich. LR 72.1(d)(2). See *Walters*, 638 F.2d at 950 ("we hold that a party shall be informed by the magistrate that objections must be filed within ten days or further appeal is waived.").

No objections have been filed and the time for filing them has passed, so the Court need not conduct any review of the R & R. Additionally, by not filing objections, Plaintiffs have waived their rights to appeal. See *Walters*, 638 F.2d at 950. Accordingly, the Court will adopt the R & R in full and grant Defendants' motions for summary judgment and motion to dismiss, and dismiss, with prejudice, Plaintiffs' third amended complaint.

**WHEREFORE**, it is hereby **ORDERED** that:

- Magistrate Judge Hluchaniuk's Report and Recommendation (docket no. 156) is **ADOPTED** in full.
- Defendant Randal S. Miller and Associates, PC's motion to dismiss count one of the complaint (docket no. 98) and motion for summary judgment (docket no. 107) are **GRANTED**.
- Defendants Countrywide Home Loans and America's Wholesale Lender's motion for summary judgment (docket no. 108) is **GRANTED**.
- Plaintiffs' entire third amended complaint is **DISMISSED with prejudice**.

**SO ORDERED.**

s/Stephen J. Murphy, III  
Stephen J. Murphy, III  
United States District Judge

Dated: March 3, 2010

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on March 3, 2010, by electronic and/or ordinary mail.

s/Alissa Greer  
Case Manager